

**ITEM 4**

**SEPTEMBER 18 & 20, 2019**

**ADLER REVISED RESOLUTION**

**RESOLUTION NO.**

**WHEREAS**, the Austin City Council identified homelessness as a strategic outcome indicator in the Austin Strategic Directions 2023 plan, and the Council has identified homelessness as its top priority; and

**WHEREAS**, the Council adopted Resolution No. 20190620-184, asking the City Manager to assess opportunities and make recommendations for immediate and short-term actions to engage and assist individuals experiencing homelessness, and reasonable time and place opportunities and limitations on camping, sitting, and lying, as well as options for non-criminal strategies for enforcement; and

**WHEREAS**, in its August 30, 2019 memorandum staff recommended that the Council consider limiting camping in areas with high pedestrian and vehicular traffic, as well as high flood risk areas for health and safety reasons; and

**WHEREAS**, in consideration of the staff guidance and other community feedback related to public health and safety issues, the Council has identified areas of the city where camping should not occur, and an associated ordinance reflects these restrictions; and

21           **WHEREAS**, the Council desires to ensure the public health and safety of  
22 individuals camping, as well as that of those around them; and

23           **WHEREAS**, a Continuum of Care (CoC) is a collaborative funding and  
24 planning approach that helps communities plan for and provide, as necessary, a full  
25 range of emergency, transitional, and permanent housing and other service resources to  
26 address the various needs of persons experiencing homelessness, and a local lead  
27 agency is designated by the U.S. Department of Housing and Urban Development  
28 (HUD) to plan, coordinate, and administer operations, as well as apply for federal CoC  
29 funding; and

30           **WHEREAS**, Ending Community Homelessness Organization (ECHO) is the  
31 designated lead agency for the Austin and Travis County CoC, and the organization  
32 which conducts an annual Point in Time Count of the homeless in the area; and

33           **WHEREAS**, governments within the Central Texas region, centered on Austin,  
34 frequently work together on large regional issues or to coordinate and allocate federal  
35 funding, including governing bodies across a six-county area in the Capital Area  
36 Metropolitan Planning Organization (CAMPO) and across a ten-county area in the  
37 Capital Area Council of Governments (CAPCOG), among others; and

38           **WHEREAS**, Congressional House Bill 1856, entitled Ending Homelessness Act  
39 of 2019, was filed and approved by the House Financial Services Committee, and

would provide \$13.27 billion additional over five years to fight homelessness and housing shortages through vouchers, the construction of new units, and outreach; and

**WHEREAS**, federal funding is critical to the city's effort to address and end homelessness, and the funding and availability of federally funded Veterans Affairs Supportive Housing (VASH) vouchers is what made it possible for the city to achieve Functional Zero for Veteran Homelessness in August 2016; and

**WHEREAS**, the Council adopted Resolution No. 20140417-048 and Ordinance 20141211-050 which barred housing discrimination based on source of income, including vouchers, and adopted Resolution No. 20141002-044 directing the City Manager to develop an incentive-based program for housing owners that accept vouchers; and

**WHEREAS**, in 2015, the Texas Legislature passed Senate Bill 267, which pre-empts local ordinances that ban discrimination based on sources of income for all voucher holders other than veterans; and

**WHEREAS**, the primary city facility for servicing the homeless is the Austin Resource Center for the Homeless (ARCH), which is currently in the process of changing its operations to focus on case-management and transitioning into housing and away from being a day resource center for drop-in clients, based on recommendations from the National Alliance to End Homelessness (NAEH) in a June 2018 report and adopted by City Staff in a December 18, 2018 memo; and

60           **WHEREAS**, the public areas in the immediate vicinity of the ARCH are in  
61 critical need of improved maintenance, sanitation, and safety for pedestrians and  
62 ARCH clients, and the NAEH report recommended working to reduce the  
63 concentration of activities that currently exist outside the ARCH and to make the  
64 shelter more welcoming to individuals experiencing homelessness; and

65           **WHEREAS**, design and operation are important for all shelters and supportive  
66 housing, and the increasing refinement of national best practices should be adapted to  
67 localized needs and many typologies a shelter or supportive housing may take,  
68 including for adapting existing apartments buildings, hotels, and motels; and

69           **WHEREAS**, the Council adopted Resolution No. 20180614-066, temporally  
70 extending the Waller Creek Tax Increment Reinvestment Zone (TIRZ) and directing  
71 staff to analyze options for using TIRZ funding for projects that both address the  
72 causes and symptoms of homelessness and housing insecurity and that are of benefit to  
73 the TIRZ. The Resolution also asked the City Manager to review the possibility of  
74 directing supplemental funding from other Tax Increment Reinvestment Zones towards  
75 addressing homelessness and other housing initiatives; and

76           **WHEREAS**, the City Manager responded to Resolution No. 20180614-066 with  
77 a memo on December 6, 2018 that recommended utilizing certificates of obligations,  
78 reimbursed with TIRZ revenue, in three funding rounds totaling \$30 million and to be  
79 used for capital expenditures including transitional and permanent supportive housing,

improvements to the ARCH, and other facilities. The City Manager also recommended reviewing funding for homelessness from other TIRZs only after the Waller Creek TIRZ amendment is executed and details of this funding option are more certain; and

**WHEREAS**, on November 6, 2018, City of Austin voters approved a bond proposition of \$250 million for affordable housing, including \$100 million for land acquisition and \$94 million for rental housing development assistance; and

**WHEREAS**, in addition to the capital needs to acquire or develop housing for the homeless, operating funds are necessary to provide the supportive services that make these facilities successful in helping individuals experiencing homeless transition to housing and self-sufficiency; and

**WHEREAS**, the Council passed Resolution No. 20190523-029 directing the City Manager to prepare for the establishment of a Tourism Public Improvement District (TPID) associated with an expansion of the convention center and allowing for up to a two percent assessment on a taxable hotel room night to generate revenue that would make available operating funding available, directly or indirectly, to help address homelessness in Austin; and

**WHEREAS, cities such as Philadelphia, Minneapolis and Orlando have implemented successful encampment strategies that include interdisciplinary**

collaboration in which outreach teams connect individuals in identified encampments to low-barrier housing and services; and

**WHEREAS,** a significant amount of constructive community feedback has been received by the Council since the adopting of Resolution No. 20190620-184, and there are additional ideas that the Council would like City Staff to review or implement;

**NOW THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN:**

The City Manager is directed to work with and have the Transportation Department, or other appropriate departments, identify high pedestrian and vehicular trafficked streets, sidewalks, or other areas that present the greatest public safety risks and public health hazards for people camping, sitting, lying, riding bicycles or scooters, or others.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to work with and have the Watershed Department, or other appropriate departments, identify flash or other flood prone areas, flood plains, flood ways, or other areas that present the greatest public safety risks and potential public health hazards for people camping, sitting, or lying.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to work with and have the Public Health Department, or other appropriate departments, identify camping practices, structures,

possessions, or items that present the greatest public safety risks and potential public health hazards for people camping, sitting, lying, or others.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to work with and have the Fire Department, or other appropriate departments, identify areas and practices within the wildland urban interface areas that present the greatest public safety risks and potential public health hazards for people camping, sitting, lying, area residents, or others.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to compile a map and guide, as well as signage, where appropriate, that would assist the public in understanding the applicable areas and conditions where City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) and other relevant city, state, and federal regulations are enforced. The City Manager shall also review and recommend a robust public awareness effort so that individuals affected by these changes can be alerted.

**~~BE IT FURTHER RESOLVED~~**

~~—The Council desires to enforce City Code Sections 9-4-11 (*Camping in Public Area Prohibited*) and 9-4-14 (*Obstruction in the Downtown Community Court Area Prohibited*) with non-criminal methods to the greatest extent possible. The City Manager is directed to help achieve this result by, without limitation, preparing an~~

ordinance for Council consideration, or by adopting policies, practices and procedures, that would ensure that, after first notifying and offering a person a reasonable opportunity to change locations to a non-restricted area, a law enforcement officer will contact a member of a Homeless Outreach Street Team (HOST), case worker, community health paramedic or other city designee who may transport a person who continues to camp in a restricted area to the appropriate location for case management and housing services. A law enforcement officer may issue a citation, or ultimately make an arrest if appropriate, if the person declines assistance from the city designee and remains in the restricted area.

#### **BE IT FURTHER RESOLVED**

The City Manager is directed to ~~determine the cost of~~ initiate a homeless encampment response strategy that directly outreaches to individuals experiencing homeless and prioritizes the most critical existing campments throughout the city. In order to successfully fulfill this homeless encampment response strategy, the City Manager should utilize funding for homelessness in the adopted budget or recommend sources of funding for adequately staffing or otherwise providing for the non-criminal options that connects individuals experiencing homeless to the services they need, ~~and possible sources of such funding, to be widely available.~~

#### **BE IT FURTHER RESOLVED:**



158 The City Manager is directed to work with, without limitation, ECHO, the Texas  
159 Homeless Network, and Austin-area governments to develop a regional Continuum of  
160 Care approach, including for service coordination, data tracking, applications for  
161 funding, and other related activities.

162 **BE IT FURTHER RESOLVED:**

163 The City Manager is directed to add to the state and federal legislative agenda,  
164 the Council's support for the Ending Homelessness Act of 2019 (HR 1856), as well as  
165 support for other legislation that seeks to improve both federal and state funding for  
166 homelessness in the Austin area.

167 **BE IT FURTHER RESOLVED:**

168 The City Manager is directed to work with, without limitation, the Austin  
169 Community Foundation on the creation and operation of a risk fund that could support  
170 voucher holders experiencing homelessness, and to mitigate perceived risks of leasing  
171 and increasing units for housing for people experiencing homelessness.

172 ~~**BE IT FURTHER RESOLVED:**~~

173 ~~—— The City Manager is directed to develop a short-term and long-term plan for the~~  
174 ~~safety, maintenance, and upkeep of the areas immediately surrounding the ARCH and~~  
175 ~~other shelters around the city, including the public right of way. The City Manager is~~  
176 ~~directed to provide a progress report by December 1, 2019 as to the exterior and~~  
177 ~~interior renovations of the ARCH, the transition to housing-focused services, and steps~~

~~taken to improve the safety, maintenance and upkeep of the areas immediately surrounding the ARCH.~~

**BE IT FURTHER RESOLVED:**

The City Manager is directed to work with local area stakeholders as well as national experts, such as the National Alliance to End Homelessness, Urban Land Institute, American Institute of Architects, and others to identify design and operation criteria for future shelters and supportive housing that could integrate well into each Council district.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to bring amendments to the Waller Creek TIRZ to support efforts to deal with the challenge of homelessness for Council consideration as recommended in the December 6, 2018 staff memo, and to review and recommend similar amendments for other existing and future city TIRZs.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to search and make recommendations for the acquisition of available properties that may be used or adapted for shelter or supportive housing, including, but not limited to, hotels and motels, and to bring recommended properties to the City Council for consideration.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to work with stakeholders including but not limited to, the Austin Hotel and Lodging Association, the Downtown Austin Alliance, Visit Austin, ECHO, and other homelessness service providers to prepare for the establishment of a TPID allowing for up to a two percent assessment on a taxable hotel room night to generate revenue that would make available funding, directly or indirectly, to help address homelessness in Austin.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to analyze opportunities and recommend additional initiatives for promoting the general public welfare and engaging and assisting individuals experiencing homelessness and to return to Council with actionable responses. The analysis should include, but not be limited to:

- Public donation receptacles on the street to provide the public with additional ways to contribute to funding Austin’s homelessness response;
- Portable toilet options and/or “wag bags,” as well as additional trash receptacles that may be provided to homeless camps to improve sanitary conditions;
- Mobile shower and laundry opportunities such as a mobile vehicle that can go directly to existing camps;
- City-provided replacement equipment for sleeping or camping for individuals experiencing homelessness where unsafe conditions or outsized camping structures currently exist; and
- Options and strategies for addressing racial disparities in Austin’s homeless response system, including those that were detailed in the ECHO Action Plan to End Homelessness.

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- A City website detailing volunteer and donation opportunities for the public to engage with community efforts to address homeless

232 **ADOPTED:** \_\_\_\_\_, 2019 **ATTEST:** \_\_\_\_\_

233 Jannette S. Goodall  
234 City Clerk